

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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CLEARONE COMMUNICATIONS, INC., a  
Utah corporation,

Plaintiff,

v.

ANDREW CHIANG, an individual, JUN  
YANG, an individual, WIDEBAND  
SOLUTIONS, INC., a Massachusetts  
corporation, and BIAMP SYSTEMS  
CORPORATION, an Oregon corporation,

Defendants.

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**MEMORANDUM DECISION  
and ORDER DENYING  
[546] MOTION TO RECONSIDER  
OCTOBER 5<sup>TH</sup> ORDER [504]**

Case No: 2:07-CV-37 TC

District Judge Tena Campbell

Magistrate Judge David Nuffer

This matter was referred by United States District Judge Tena Campbell pursuant to 28 U.S.C. § 636 (b)(1)(A). Wideband Defendants' Motion for Reconsideration of the October 5<sup>th</sup> Order<sup>1</sup> is currently before the court. After careful consideration of the motion, memoranda and other materials submitted,<sup>2</sup> the court DENIES the Motion for Reconsideration.

WideBand Defendants claim that testimony elicited during the hearing before the District Judge on October 12, 2007 provides new evidence ClearOne's development efforts.<sup>3</sup> Yet, this evidence still does not provide a basis "– other than speculation – to conclude that current

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<sup>1</sup>Docket no. 546; October 5<sup>th</sup> Order is docket no. 504.

<sup>2</sup>ClearOne did not respond to the motion.

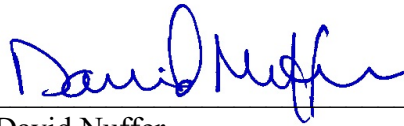
<sup>3</sup>Exhibit A, attached to Memorandum of Law in Support of Motion for Reconsideration of October 5<sup>th</sup> Order, docket no. 547.

ClearOne products or projects would involve the same technology that ClearOne claims WideBand illicitly uses.”<sup>4</sup> While the district judge may, in the course of a very long hearing, have allowed brief inquiry into this area, the magistrate judge again concludes that “[t]he dangers of the proposed discovery far outweigh the speculative likelihood that ClearOne’s current technologies are related to the alleged misappropriation of trade secrets by the WideBand Defendants.”<sup>5</sup>

Accordingly, the Motion for Reconsideration<sup>6</sup> is DENIED.

DATED this 5th day of November, 2007.

BY THE COURT:



David Nuffer  
U.S. Magistrate Judge

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<sup>4</sup>Memorandum Decision and Order at 5, docket no. 504.

<sup>5</sup>*Id.* at 5-6.

<sup>6</sup>Docket no. 546.